

REMARKS

In the Office Action mailed December 30, 2004, the Examiner rejected claims 1-3 and 5-22. Claims 1-3 and 5-22 remain pending for reconsideration, which is respectfully requested. No new matter has been added. The Examiner's rejections are traversed below.

REJECTION UNDER 35 U.S.C. § 102

In the Office Action, the Examiner has rejected claims 1-3, 6-8, 15-17 and 19-22 under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,319,542 (King).

In the present invention, a plurality of network addresses are available for use by a plurality of customers. When a customer accesses the network, a determination is made as to a particular group to which the customer belongs based on a network address accessed by the customer. This language is recited in claim 1, for example, as "judging whether a customer who has accessed a commodity selling system via the network is a constituent member of a particular group **based on a network address** accessed by the customer."

Thus, for claims 1, 7 and 19 (claims 7 and 19 recite language similar to that of claim 1, in relevant part), King fails to disclose any information pertaining to such a feature. According to our understanding of King, King discloses information for providing a public catalog on a database maintained by a seller and providing a private catalog that can be stored on a customer's local computer. See King, FIG. 1. According to King, customer access/download control functions allow catalog suppliers (location of a master catalog) to control customer's access to and downloading of supplier maintained catalog data on the public catalog. Invoking the functions, according to King, inhibits or permits specific users to have access to the catalog information. See King, column 5, lines 8-10.

Thus, in King, access to the public catalog is provided via the use of access/download control functions, which is not tantamount to or equivalent to judging which group a customer belongs to based on the customer's network address, as in the present invention. Although no information is disclosed in King regarding details of the access/download control functions, the functions could possibly be performed via the use of user identifiers and passwords, for example, which is completely different from the method as recited in claims 1, 7, and 19. Thus, claims 1, 7, and 19 are not anticipated by King for the reason offered above and should be allowed. Claims 2-3 depend from claim 1 and are patentable over King for at least the reason offered above with respect to claim 1. As claim 8 depends from claim 7, it is patentable over King for at least the reason offered above with respect to claim 7.

Moreover, in the current Office Action and a previously issued Office Action mailed on September 10, 2004, the Examiner has specifically stated, "King et al [sic] do not [sic] disclose the particular access control of judging if a customer is a member of particular group based upon an address or > [sic] route used by the customer to gain access." See Office Action dated December 30, 2004 and Office Action dated September 10, 2004, page 3, item 3 and page 3, item 4, respectively. Thus, Applicants submit that the requirements for a 35 U.S.C. § 102 rejection are clearly not met based on the admission of the Examiner.

Regarding claims 6, 15, 16, 17, 20, 21, and 22, these claims recite language relating to a feature wherein a commodity catalog is displayed according to the user attempting access to the site by reading the user's network address, that is, the network address of a computer used to access the site by the user. For example, a "dedicated" network address is provided for use by members of a particular group and a "general" network address is provided for customers not in the particular group. The user is then provided with a first or second catalog, for example, according to the network address used by the user to access the site. This feature is recited in claim 6, for example, as:

displaying a first commodity catalog . . . when the constituent member
accesses the shopping site using the dedicated network address. . .
displaying a second commodity catalog . . . when the customer access the
shopping site using the general network address.

Thus, in the present invention as defined by the above identified claims, a catalog is displayed based on a network address used by the customer. See Specification, page 15, line 23 – page 16, line 6. See *also* Specification, page 8, lines 19-25 and page 9, lines 1-9. In contrast, King discloses no information relating to displaying a catalog according to network address. Rather, as previously described, King merely discloses information relating to customer access control that permits or inhibits users from accessing a database where the catalog is stored. Thus, for the above-identified reason, claims 6, 15-17, and 20-22 are not anticipated by King and should be allowed.

REJECTION UNDER 35 U.S.C. § 103

The Examiner has rejected claim 5 under 35 U.S.C. § 103 as being allegedly obvious over King in view of U.S. Patent No. 6,330,543, B1, issued to Kepecs (hereinafter Kepecs). Independent claim 5 recites, "judging whether the customer is a constituent member of the particular group based upon a network route used by the customer to gain access." Applicants respectfully submit that King does not teach or suggest judging based on a network route, as it is

recited in claim 5.

According to Kepecs, it teaches a method and system for distributing and redeeming electronic promotions to a customer through the Internet. The system and method of Kepecs includes a discount administration process computer (DAP) that maintains a key database of customers' accounts. A unique key stored in the database identifies the account of each customer. Whenever a customer uses his or her computer to access a server connected to the DAP, the key must be specified. See Kepecs, column 10, lines 51-56. Thus, in Kepecs, a user enters a key and a determination is made as to whether the user is granted access to the information for his account. In contrast to the present invention, Kepecs does not teach or suggest judging whether the customer is a constituent member of a particular group **based upon a network route**, as neither groups nor network routes are disclosed in Kepecs.

Thus, in light of the foregoing, neither King nor Kepecs, taken alone, or in combination, teaches or suggests the present invention, as defined by claim 5.

Regarding claims 9-14 and 18, which were also rejected under 35 U.S.C. § 103, Applicants respectfully submit that the references do not teach or suggest, "a certification unit" that checks whether a customer is a constituent member of a particular group when accessed by the customer via a network, **based on a network address** accessed by the customer, as recited in claim 9, for example. As previously discussed, King provides access to the public catalog via the use of access/download control functions, and Kepecs merely uses a key to determine whether the user should be granted access to account information. Access/download control functions are not tantamount to or related to checking whether a customer is a constituent member of a particular group when accessed by the customer via a network based on a network address. Therefore, neither King nor Kepecs, taken alone, or in combination, teaches or suggests the present invention, as defined by claim 9. As claims 10-14 depend from independent claim 9, these claims are patentable over King in view of Kepecs for at least the reason offered above. Claim 18 is also patentable over King in view of Kepecs, as neither of the references teaches, using "a predetermined address" to provide a first catalog and a second catalog, as identified by the language of claim 18.

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 102 and 103, as the claims are not taught, disclosed or suggested by the references. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

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If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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